

**From:** [Eberhardt, Maja](#)  
**To:** [ctanaka@sbtribes.com](mailto:ctanaka@sbtribes.com)  
**Subject:** RE: Shoshone-Bannock Tribes WQS  
**Date:** Monday, October 28, 2019 12:22:00 PM  
**Attachments:** [MZ text for ShoBan WQS 20191028.docx](#)

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Hi again Candon,

Change of approach - I've put together some possible mixing zone language, based on the "Tools for Tribes" WQS template with a few modifications and incorporating a statement re listed species from the Swinomish WQS, attached. The redline shows changes I made from the "Tools for Tribes" WQS template. Please let me know your thoughts, and I'll send it over to HQ for a quick look if you think it useful to move forward. Edits are welcome, too.

Thanks.

Maja

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**From:** Eberhardt, Maja  
**Sent:** Monday, October 28, 2019 10:20 AM  
**To:** Candon Tanaka <[ctanaka@sbtribes.com](mailto:ctanaka@sbtribes.com)>  
**Subject:** RE: Shoshone-Bannock Tribes WQS

Thanks Candon, that helps to understand the background. We've had some changes since Sally was working, particularly a change in focus from temporary exceedances to compliance schedules, which are more consistent with the CWA and 40 CFR. But then we have a disconnect if compliance schedules are allowed, but mixing zones aren't, since compliance schedules are also part of an NPDES permit. Not sure whether you deal with 404 permits, but a mixing zone provision could be useful for those, as well, relative to suspended sediments. Let me propose some language (I'll probably just copy it from the Swinomish WQS), and you can see what you think and we can discuss the path forward after you have a chance to review the text. Does that sound ok? If it doesn't work for you and you simply prefer not to allow mixing zones, that works, too. The mixing zone requirements are pretty specific and detailed, you can see what you think. I realize it may be moot at this point, but if you do end up with a permit, it might be easier to have the legal framework in place, rather than starting a rulemaking (though it would be easier than this first time around with a full package). Please let me know what you think, or we can chat if you prefer.

Thanks.

Maja

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**From:** Candon Tanaka <[ctanaka@sbtribes.com](mailto:ctanaka@sbtribes.com)>  
**Sent:** Monday, October 28, 2019 8:21 AM  
**To:** Eberhardt, Maja <[eberhardt.maja@epa.gov](mailto:eberhardt.maja@epa.gov)>  
**Subject:** RE: Shoshone-Bannock Tribes WQS

Hello Maja,

When Sally Brough was working with us on the standards we decided to drop the mixing zone policy. We were going back and forth on the language and she recommended we drop the mixing zone for simplicity. Because there were no 402 permits within the Reservation and we didn't see any in the near future, this is still the case. If you feel we need the provision then we can talk.

Thanks,

Candon Tanaka

Water Quality Specialist

Shoshone-Bannock Tribes

Phone: (208) 239-4582

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**From:** Eberhardt, Maja <[eberhardt.maja@epa.gov](mailto:eberhardt.maja@epa.gov)>

**Sent:** Friday, October 25, 2019 5:04 PM

**To:** Candon Tanaka <[ctanaka@sbtribes.com](mailto:ctanaka@sbtribes.com)>

**Subject:** RE: Shoshone-Bannock Tribes WQS

Hi Candon,

Wanted to let you know that I've received comments from HQ and am working my way through them. One of the first ones was about mixing zones – there is no mixing zone provision in the WQS for NPDES permits. I'm sorry, I don't recall whether we discussed that, though I think maybe we did. I can add some suggested text if you would consider including a mixing zone provision, and you can take a look and make a final decision – just let me know. I'm planning to have comments to you by the end of next week at this point.

Thanks.

Maja

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**From:** Candon Tanaka <[ctanaka@sbtribes.com](mailto:ctanaka@sbtribes.com)>

**Sent:** Thursday, September 26, 2019 8:34 AM

**To:** Eberhardt, Maja <[eberhardt.maja@epa.gov](mailto:eberhardt.maja@epa.gov)>

**Cc:** Spence Ward <[sward@sbtribes.com](mailto:sward@sbtribes.com)>

**Subject:** Shoshone-Bannock Tribes WQS

Hello Maja,

I have attached the most recent version of the Tribes' WQS. This version includes the new footnote in the selenium aquatic life criteria and inclusion cyanotoxins in the recreation criteria. Please let me know as soon as possible on the review or any questions.

Thanks,

Candon Tanaka

Water Quality Specialist

Shoshone-Bannock Tribes

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